



DOCKET NO.: M0925.70143US00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

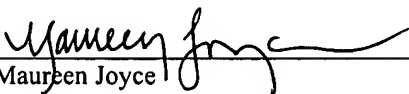
Applicant: Timothy M. Swager, et al.  
Serial No.: 10/823,093  
Confirmation No.: 3154  
Filed: April 12, 2004  
For: EMISSIVE SENSORS AND DEVICES INCORPORATING THESE SENSORS

Examiner: Not Yet Assigned  
Art Unit: 1743

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 12 day of January, 2005.

  
Maurleen Joyce

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**MAIL STOP Missing Parts**  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Part 2 - Notice to File Missing Parts
- Preliminary Amendment
- Petition for 5 Month Extension of Time
- Request for Approval of Drawings for 6 sheets of Drawings, Figs. 2C, 6-8, 10, and 11B
- Declaration (executed)
- Fee Calculation Sheet
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$3,930.00 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825.

Serial No.: 10/823,093  
Docket No.: M0925.70143US00  
Page 2 of 2



Conf. No.: 3154

A duplicate of this sheet is enclosed.

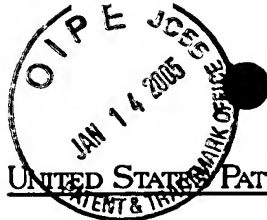
Respectfully submitted,

By:

A handwritten signature in black ink, appearing to be "Timothy J. Oyer", written over a horizontal line.

Timothy J. Oyer, Ph.D., Reg. No.: 36,628  
Tani Chen, Sc.D., Reg. No.: 52,728  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Date: January 12, 2005  
x01/25/05x  
828592

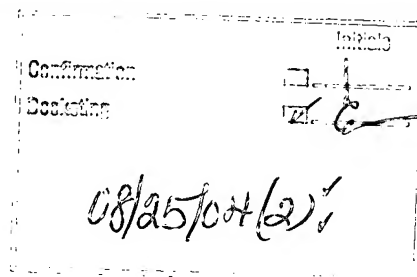
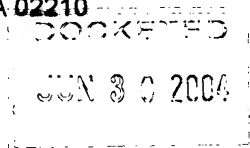


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/823,093	04/12/2004	Timothy M. Swager	M0925.70143US00

Timothy J. Oyer, Ph.D.  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210



CONFIRMATION NO. 3154

## FORMALITIES LETTER



\*OC000000013061566\*

Date Mailed: 06/25/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) 6-8, 10, 11b.
  - More than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1)). See Figure(s) 2C.

The applicant needs to satisfy supplemental fees problems indicated below.

01/18/2005 ANAD11 00000052 10823093

01 FC:1001  
02 FC:1031  
03 FC:1202790.00 OP  
130.00 OP  
850.00 OP

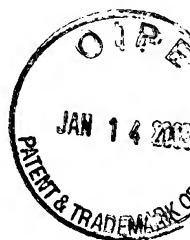
The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$3360** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$4260** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$3360**
  - **\$1290** for **15** independent claims over 3.
  - **\$2070** for **115** total claims over 20.



Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



DOCKET NO.: M0925.70143US00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Timothy M. Swager  
Serial No.: 10/823,093  
Confirmation No.: 3154  
Filing Date: April 12, 2004  
For: EMISSIVE SENSORS AND DEVICES INCORPORATING THESE SENSORS

Examiner: Not Yet Assigned  
Art Unit: 1743

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

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Maureen Joyce

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**Mail Stop Missing Parts**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

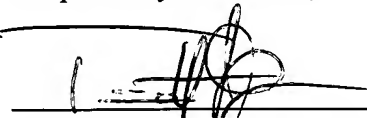
**REQUEST FOR APPROVAL OF DRAWINGS**

Sir:

Enclosed are (6) pages of proposed drawing for Figures 2C, 6, 7A, 7B, 8, 10, and 11B.

The Examiner is respectfully requested to approve these proposed drawing corrections.

Respectfully submitted,



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Timothy J. Oyer, Ph.D., Reg. No. 36,628  
Tani Chen, Sc.D., Reg. No. 52,728  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206

Date: January 12, 2005  
x01/25/05x  
828570



Docket No.: M0925.70143US00

Inventor(s): Timothy M. Swager, et al.

Serial No.: 10/823,093

Confirmation No.: 3154

Filed: April 12, 2004

CHECK BOX, if applicable:

For: EMISSIVE SENSORS AND DEVICES  
INCORPORATING THESE SENSORS☐ DUPLICATE

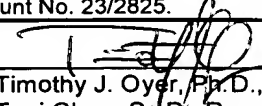
## Fee Calculation Sheet

CLAIMS	FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
	TOTAL CLAIMS (37 CFR 1.16(i))	37-20 =	17 x	\$ 50.00	= \$ 850.00
	INDEPENDENT CLAIMS (37 CFR 1.16(h))	3-3 =	0 x	\$ 200.00	= \$ 0.00
	APPLICATION SIZE FEE (37 CFR 1.16(s))	(-100) / 50 =	0 x	\$ 250.00	= \$ 0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d)) +			\$	= \$
				BASIC FEE (37 CFR 1.16(a), (b), or (c))	\$ 790.00
				SEARCH FEE (37 CFR 1.16(k), (l), or (m))	\$ 0.00
				EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	\$ 0.00
	Fee for Petition for Extension of Time (if any)				\$ 2,160.00
	Other Fees (if any)				\$ 130.00
	Total of above Calculations =				\$ 3,930.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28)				\$ 0.00
	Assignment Recordation Fee (if any)				\$ 0.00
	TOTAL =				\$ 3,930.00

1. A check in the amount of \$3,930.00 is enclosed.

## General Authorization to Charge Deposit Account and General Request for Extension of Time

2. a. ☒ If the filing of any paper in this application necessitates the payment of a fee under 37 CFR §§ ☒ 1.16 or ☒ 1.17, and the fee due is in an amount different from any enclosed check or if no check is enclosed, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23/2825.
- b. ☐ The applicant hereby revokes any prior authorization to charge a fee due under 37 CFR §§ ☐ 1.16 ☐ 1.17 or ☐ 1.18.
3. If the filing of any paper in this application necessitates an extension of time under 37 CFR § 1.136(a), the applicant hereby requests such extension of time. If the fee due is in an amount different from any enclosed check or if no check is enclosed, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23/2825.

  
Timothy J. Oyer, Ph.D., Reg. No. 36,628  
Tani Chen, Sd.D., Reg. No. 52,728  
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600 Atlantic Avenue  
Boston, Massachusetts 02210-2206

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